



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 14 2013

Carolyn H. Covington, Treasurer
Moore for Alaska
2440 E. Tudor Rd., #1117
Anchorage, AK 99507

RE: MUR 6602

Dear Ms. Covington:

On July 5, 2012, the Federal Election Commission notified Moore for Alaska, and you, in your official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On June 11, 2013, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Moore for Alaska and you, in your official capacity as treasurer, violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Jeff S. Jordan / M /
Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration

Enclosure
Factual and Legal Analysis

13044334753

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Matt Moore MUR 6602
Moore for Alaska and
Carolyn H. Covington as treasurer

I. INTRODUCTION

This matter was generated by a complaint filed by Cathie Lynn Russell alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Matt Moore and Moore for Alaska and Carolyn H. Covington in her official capacity as treasurer (the "Respondents"). After reviewing the record, the Commission found no reason to believe that Respondents violated the Act.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Complainant Cathie Lynn Russell alleges that Matt Moore, an unsuccessful candidate in the Democratic primary election for Alaska's at-large congressional seat, failed to file — or timely file — a Statement of Candidacy, and that his committee, Moore for Alaska and Carolyn H. Covington in her official capacity as treasurer (the "Committee"), failed to file disclosure reports and failed to open and designate a committee bank account.¹

¹ The Complaint also makes several allegations that are not within the Commission's jurisdiction, such as failing to file candidacy documents with the state of Alaska and failing to acquire a tax ID number from the Internal Revenue Service. See Compl. at 1. Therefore, the Commission did not make any findings concerning these issues.

13044334754

B. Legal Analysis

Committee Registration and Filing Disclosure Reports

The Complaint asserts that Matt Moore did not register² as a candidate for the House of Representatives and his Committee did not file disclosure reports for “[the] last quarter.” Compl. at 1. The Response asserts that Moore’s Statement of Candidacy (FEC Form 2), dated April 19, 2012, was received by the Commission on April 26, 2012. Resp., Attach. Thus, Moore had already filed a Form 2 (Statement of Candidacy), prior to the submission of the Complaint (June 28, 2012) in this matter.

A person becomes a candidate when, *inter alia*, he or she has received contributions or made expenditures aggregating in excess of \$5,000. 2 U.S.C. § 431(2)(A). A contribution includes any loan made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i). Once a person becomes a candidate, he or she must file both a Statement of Candidacy within 15 days of becoming a candidate and a Statement of Organization within 10 days after designation with the Commission. See 2 U.S.C. §§ 432(e)(1), 433(a).

Based on the Committee’s disclosure reports, Moore appears to have become a candidate on April 23, 2012, when he loaned his Committee \$10,000. See July 2012 Quarterly Report, filed July 12, 2012. Thus, the Statement of Candidacy was timely filed. See Statement of Candidacy (filed April 19, 2012). The Committee also timely filed a Statement of Organization that is post-marked April 27, 2012. Resp., Attach. Therefore, due to the filing dates of the Statement of Candidacy and Statement of Organization, as well as the Committee’s activity, the

² The Complaint specifically alleges that “Matt Moore has not file with the house of representative [sic] and has no candidate id number.” Compl. at 1. This allegation misconstrues the procedures for generating a candidate identification number, which is processed through the Commission once a candidate files a Form 2 (Statement of Candidacy). Moore indicated in his Response that he received his candidate identification number on May 5, 2012, after filing his Form 2 with the Commission. Resp. at 2.

13044334755

1 first disclosure report that the Committee would have been required to file with the Commission
2 was the July 2012 Quarterly Report, which covers the period from April 1, 2012 through June
3 30, 2012. Accordingly, the Committee timely filed its first required disclosure report (*i.e.*, July
4 2012 Quarterly Report) with the Commission on July 12, 2012.

5 The Complaint also claims that without a tax identification number the Committee could
6 not legally open a bank account for the campaign. Compl. at 1. The Response attaches the
7 Committee's unsigned IRS Form SS-4, which the Committee claims was its application for an
8 Employer Identification Number. Resp. at 1; Resp., Attach. The Act requires political
9 committees to designate a depository institution, which shall be listed on the Statement of
10 Organization. 2 U.S.C. § 431(h)(1); *see also* 11 C.F.R. § 102.2(a)(1)(vi). In this case, the
11 banking information was reported on the Committee's Form 1 and therefore the Committee
12 satisfied its statutory and regulatory requirements.

13 Reporting Receipts

14 The Complaint alleges that Matt Moore received donations prior to his state of Alaska
15 filing date by at least 60 days, including when he attended the "Mat-Su Dem" event in February
16 2012. Compl. at 1. The Complaint provides no additional information about the event or
17 Moore's alleged attendance.³ In his Response, Moore states that he "did not attend any Mat-Su
18 Democratic event in February 2012," but "did attend the Egan Dinner hosted by the Mat-Su
19 Democrats on March 16, 2012. . . ." Resp. at 2. Moore states that he neither solicited nor
20 accepted donations at the Egan Dinner but did introduce himself and announced that "it was [his]

³ According to public information, Matanuska-Susitna ("Mat Su") Democrats is "a regional organization sponsoring activities to strengthen the role of the Democratic Party within the boundaries of the Mat Su Borough, plus the communities of Peters Creek and Chugiak." <http://www.matsudemocrats.org/about-us.html> (last visited March 21, 2013).

13044334756

1 'intention' to run . . . for Congress." *Id.* Absent any factual assertions to the contrary, there is
2 no indication that any funds were solicited or accepted by Moore at the Egan Dinner.⁴

3 The Complaint further alleges that Matt Moore has "deliberately withheld reporting
4 contributions to his campaign" in violation of the Act. Compl. at 2. In his Response, Moore
5 states that he did not "deliberately nor willfully withhold contribution information" and refers to
6 the Committee's disclosure reports. Resp. at 2. The Complaint provides no substantiation for
7 these claims.

8 In sum, based on the Complaint, the Response, and publicly available information, it
9 appears that Matt Moore properly registered his principal campaign committee, Moore for
10 Alaska, with the Commission, and timely filed his Statement of Candidacy. Additionally, it
11 appears that the Committee filed all of its required disclosure reports at issue in this case.
12 Therefore, the Commission finds no reason to believe that Matt Moore and Moore for Alaska
13 and Carolyn H. Covington in her official capacity as treasurer violated the Act with regard to the
14 allegations in this matter.

⁴ The Complaint also alleges that Moore placed an advertisement in the event booklet of the Alaska Democratic State Convention ("Convention") held from May 11-13, 2012, and that the ad was placed prior to his filing date with the state of Alaska. Compl. at 1. In its Response, the Committee submitted copies of a partial invoice and receipt, both dated May 9, 2012, which are purported to be confirmation of the ad buy purchase for the event booklet. Resp., Attach. In addition, the Committee submitted a copy of its "State of Alaska Declaration of Candidacy U.S. Congress" application, which was also filed on May 9, 2012. *Id.* Although the ad may have been placed on the same date as the Committee's state application, it is the filing date with the Commission that triggers the Act's requirements. See 2 U.S.C. §§ 432(e)(1), 433(a), 434(a)(2)(A)(iii).

In addition, the Complaint alleges that Moore attended the Convention with campaign materials that were designed and produced prior to his FEC filing date. Compl. at 2. As with the previous allegation, the Committee has provided documents confirming its registration dates with the proper entities. Resp., Attach. There is an allegation that the campaign materials were used or distributed before Moore became a candidate.

13044334757